

Message Text

PAGE 01 STATE 105745

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APPROVED BY: IO:WBBUFFUM

S/S:MR. LUERS

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AMCONSUL JERUSALEM NIACT IMMEDIATE

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TOSEC 863

E.O. 11652: N/A

TAGS: OVIP (KISSINGER, HENRY A.)

SUBJ: UNTSO MANDATE

REF: JERUSALEM 1003

FOR SISCO FROM BUFFUM

FOLLOWING IS MATERIAL REQUESTED REFTEL:

1. FIRST SUBSTANTIVE DIRECTIONS TO UNTSO OBSERVERS BY
SECURITY COUNCIL APPEARED IN COUNCIL RESOLUTION 73 OF 11
AUGUST 1949 IN PARA 6 WHICH READ:

"REQUESTS THE SECRETARY GENERAL TO ARRANGE FOR THE
CONTINUED SERVICE OF SUCH OF THE PERSONNEL OF THE PRESENT
TRUCE SUPERVISION ORGANIZATION AS MAY BE REQUIRED IN
OBSERVING AND MAINTAINING THE CEASE-FIRE, AND AS MAY BE
NECESSARY IN ASSISTING THE PARTIES TO THE ARMISTICE
AGREEMENTS IN THE SUPERVISION OF THE APPLICATION AND
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PAGE 02 STATE 105745

OBSERVANCE OF THE TERMS OF THOSE AGREEMENTS, WITH
PARTICULAR REGARD TO THE DESIRES OF THE PARTIES AS
EXPRESSED IN THE RELEVANT ARTICLES OF THE AGREEMENTS;"

2. ENTIRE TEXT OF THIS RESOLUTION (73) READS AS FOLLOWS:

"THE SECURITY COUNCIL:

"HAVING NOTED WITH SATISFACTION THE SEVERAL
ARMISTICE AGREEMENTS CONCLUDED BY MEANS OF NEGOTIATIONS
BETWEEN THE PARTIES INVOLVED IN THE CONFLICT IN
PALESTINE IN PURSUANCE OF ITS RESOLUTION 61 (1948) OF
16 NOVEMBER 1948,

"1. EXPRESSED THE HOPE THAT THE GOVERNMENTS AND
AUTHORITIES CONCERNED, HAVING UNDERTAKEN BY MEANS OF
NEGOTIATIONS NOW BEING CONDUCTED BY THE PALESTINE
CONCILIATION COMMISSION, TO FULFIL THE REQUEST OF THE
GENERAL ASSEMBLY IN ITS RESOLUTION OF 11 DECEMBER 1948
TO EXTEND THE SCOPE OF THE ARMISTICE NEGOTIATIONS AND TO
SEEK AGREEMENT BY NEGOTIATIONS CONCLUDED EITHER WITH THE
CONCILIATION COMMISSION OR DIRECTLY, WILL AT AN EARLY
DATE ACHIEVE AGREEMENT ON THE FINAL SETTLEMENT OF ALL
QUESTIONS OUTSTANDING BETWEEN THEM;

"2. FINDS THAT THE ARMISTICE AGREEMENTS CONSTITUTE
AN IMPORTANT STEP TOWARD THE ESTABLISHMENT OF PERMANENT
PEACE IN PALESTINE AND CONSIDERS THAT THESE AGREEMENTS
SUPERSEDE THE TRUCE PROVIDED FOR IN THE SECURITY COUNCIL
RESOLUTIONS 50 (1948) OF 29 MAY AND 54 (1948) OF
15 JULY 1948;

"3. REAFFIRMS, PENDING THE FINAL PEACE SETTLEMENT,
THE ORDER CONTAINED IN ITS RESOLUTION 54 (1948) OF
15 JULY 1948 TO THE GOVERNMENTS AND AUTHORITIES
CONCERNED, PURSUANT TO ARTICLE 40 OF THE CHARTER OF THE
UNITED NATIONS, TO OBSERVE AN UNCONDITIONAL CEASE-FIRE
AND, BEARING IN MIND THAT THE SEVERAL ARMISTICE AGREE-
MENTS INCLUDE FIRM PLEDGES AGAINST ANY FURTHER ACTS OF
HOSTILITY BETWEEN THE PARTIES AND ALSO PROVIDE FOR THEIR
SUPERVISION BY THE PARTIES THEMSELVES, RELIES UPON THE
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PAGE 03 STATE 105745

PARTIES TO ENSURE THE CONTINUED APPLICATION AND OBSER-
VANCE OF THESE AGREEMENTS;

"4. DECIDES THAT ALL FUNCTIONS ASSIGNED TO THE
UNITED NATIONS MEDIATOR ON PALESTINE HAVING BEEN
DISCHARGED, THE ACTING MEDIATOR IS RELIEVED OF ANY
FURTHER RESPONSIBILITY UNDER SECURITY COUNCIL RESOLUTIONS;

"5. NOTES THAT THE ARMISTICE AGREEMENTS PROVIDE
THAT THE EXECUTION OF THOSE AGREEMENTS SHALL BE SUPER-
VISED BY MIXED ARMISTICE COMMISSIONS WHOSE CHAIRMAN IN
EACH CASE SHALL BE THE UNITED NATIONS CHIEF OF STAFF OF

THE TRUCE SUPERVISION ORGANIZATION OR A SENIOR OF THAT ORGANIZATION DESIGNATED BY HIM FOLLOWING CONSULTATION WITH THE PARTIES TO THE AGREEMENTS;

"6. REQUESTS THE SECRETARY-GENERAL TO ARRANGE FOR THE CONTINUED SERVICE OF SUCH OF THE PERSONNEL OF THE PRESENT TRUCE SUPERVISION ORGANIZATION AS MAY BE REQUIRED IN OBSERVING AND MAINTAINING THE CEASE-FIRE, AND AS MAY BE NECESSARY IN ASSISTING THE PARTIES TO THE ARMISTICE AGREEMENTS IN THE SUPERVISION OF THE APPLICATION AND OBSERVANCE OF THE TERMS OF THOSE AGREEMENTS, WITH PARTICULAR REGARD TO THE DESIRES OF THE PARTIES AS EXPRESSED IN THE RELEVANT ARTICLES OF THE AGREEMENTS;

"7. REQUESTS THE CHIEF OF STAFF MENTIONED ABOVE TO REPORT TO THE SECURITY COUNCIL ON THE OBSERVANCE OF THE CEASE-FIRE IN PALESTINE IN ACCORDANCE WITH THE TERMS OF THIS RESOLUTION; AND TO KEEP THE PALESTINE CONCILIATION COMMISSION INFORMED OF MATTERS AFFECTING THE COMMISSION'S WORK UNDER THE GENERAL ASSEMBLY RESOLUTION 194 (III) OF 11 DECEMBER 1948."

3. AFTER THE 1967 WAR, SC ADOPTED RES 236 ON JUNE 11, 1967 WHICH READ AS FOLLOWS:

"THE SECURITY COUNCIL,

"TAKING NOTE OF THE ORAL REPORTS OF THE SECRETARY GENERAL ON THE SITUATION BETWEEN ISRAEL AND SYRIA, MADE
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PAGE 04 STATE 105745

AT THE 1354TH, 1355TH, 1356TH AND 1357TH MEETINGS AND THE SUPPLEMENTAL INFORMATION SUPPLIED IN DOCUMENTS S/7930 AND ADD.1-3,

"1. CONDEMNS ANY AND ALL VIOLATIONS OF THE CEASE-FIRE;

"2. REQUESTS THE SECRETARY GENERAL TO CONTINUE HIS INVESTIGATIONS AND TO REPORT TO THE COUNCIL AS SOON AS POSSIBLE;

"3. AFFIRMS THAT ITS DEMAND FOR A CEASE-FIRE AND DISCONTINUANCE OF ALL MILITARY ACTIVITIES INCLUDES A PROHIBITION OF ANY FORWARD MILITARY MOVEMENTS SUBSEQUENT TO THE CEASE-FIRE;

"4. CALLS FOR THE PROMPT RETURN TO THE CEASE-FIRE POSITIONS OF ANY TROOPS WHICH MAY HAVE MOVED FORWARD SUBSEQUENT TO 1630 HOURS GMT ON 10 JUNE 1967;

"5. CALLS FOR FULL COOPERATION WITH THE CHIEF OF STAFF OF THE UNITED NATIONS TRUCE SUPERVISION ORGANIZATION AND THE OBSERVERS IN IMPLEMENTING THE CEASE-FIRE, INCLUDING FREEDOM OF MOVEMENT AND ADEQUATE COMMUNICATIONS FACILITIES."

4. RES 340 OF OCTOBER 25, 1973 WHICH ESTABLISHED UNEF ALSO PROVIDED ROLE FOR UNTSO. FULL TEXT OF RES 340 FOLLOWS:

"THE SECURITY COUNCIL,

"RECALLING ITS RESOLUTIONS 338 (1973) OF 22 OCTOBER AND 339 (1973) OF 23 OCTOBER 1973,

"NOTING WITH REGRET THE REPORTED REPEATED VIOLATIONS OF THE CEASE-FIRE IN NON-COMPLIANCE WITH RESOLUTIONS 338 (1973) AND 339 (1973),

"NOTING WITH CONCERN FROM THE SECRETARY GENERAL'S REPORT THAT THE UNITED NATIONS MILITARY OBSERVERS HAVE LIMITED OFFICIAL USE
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PAGE 05 STATE 105745

NOT YET BEEN ENABLED TO PLACE THEMSELVES ON BOTH SIDES OF THE CEASE-FIRE LINE,

"1. DEMANDS THAT IMMEDIATE AND COMPLETE CEASE-FIRE BE OBSERVED AND THAT THE PARTIES RETURN TO THE POSITIONS OCCUPIED BY THEM AT 1650 HOURS GMT ON 22 OCTOBER 1973;

"2. REQUESTS THE SECRETARY GENERAL, AS AN IMMEDIATE STEP, TO INCREASE THE NUMBER OF UNITED NATIONS MILITARY OBSERVERS ON BOTH SIDES;

"3. DECIDES TO SET UP IMMEDIATELY UNDER ITS AUTHORITY A UNITED NATIONS EMERGENCY FORCE TO BE COMPOSED OF PERSONNEL DRAWN FROM STATES MEMBERS OF THE UNITED NATIONS EXCEPT THE PERMANENT MEMBERS OF THE SECURITY COUNCIL, AND REQUESTS THE SECRETARY GENERAL TO REPORT WITHIN 24 HOURS ON THE STEPS TAKEN TO THIS EFFECT;

"4. REQUESTS THE SECRETARY GENERAL TO REPORT TO THE COUNCIL ON AN URGENT AND CONTINUING BASIS ON THE STATE OF IMPLEMENTATION OF THE PRESENT RESOLUTION, AS WELL AS RESOLUTIONS 338 (1973) AND 339 (1973);

"5. REQUESTS ALL MEMBER STATES TO EXTEND THEIR FULL COOPERATION TO THE UNITED NATIONS IN THE IMPLEMENTATION OF THE PRESENT RESOLUTION, AS WELL AS RESOLUTIONS 338 (1973) AND 339 (1973)."

5. SYG REPORTED TO SC ON 27 OCTOBER 1973 SPECIFYING
"TERMS OF REFERENCE" OF UN FORCE AS FOLLOWS:

"(A) THE FORCE WILL SUPERVISE THE IMPLEMENTATION OF
OPERATIVE PARAGRAPH 1 OF RESOLUTION 340 (1973), WHICH
READS AS FOLLOWS:

'1. DEMANDS THAT IMMEDIATE AND COMPLETE CEASE-
FIRE BE OBSERVED AND THAT THE PARTIES RETURN TO THE
POSITIONS OCCUPIED BY THEM AT 1650 HOURS GMT ON
22 OCTOBER 1973;'

"(B) THE FORCE WILL USE ITS BEST EFFORTS TO PREVENT
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PAGE 06 STATE 105745

A RECURRENCE OF THE FIGHTING, AND COOPERATE WITH THE
INTERNATIONAL COMMITTEE OF THE RED CROSS IN ITS
HUMANITARIAN ENDEAVOURS IN THE AREA.

"(C) IN THE FULFILMENT OF ITS TASKS, THE FORCE WILL
HAVE THE COOPERATION OF THE MILITARY OBSERVERS OF
UNTSO."

6. SC APPROVED FOREGOING REPORT OF SYG IN RES 341
ADOPTED OCTOBER 27, 1973.

7. WHILE PERHAPS LESS RELEVANT TO YOUR CURRENT NEEDS,
SHOULD YOU WISH LANGUAGE ESTABLISHING ORIGINAL UN TRUCE
COMMISSION, IT APPEARS IN SC RES 48 OF APRIL 23, 1948
AS FOLLOWS:

"REFERRING TO ITS RESOLUTION OF 17 APRIL 1948,
CALLING UPON ALL PARTIES CONCERNED TO COMPLY WITH
SPECIFIC TERMS FOR A TRUCE IN PALESTINE,

"THE SECURITY COUNCIL

"ESTABLISHES A TRUCE COMMISSION FOR PALESTINE
COMPOSED OF REPRESENTATIVES OF THOSE MEMBERS OF THE
SECURITY COUNCIL WHICH HAVE CAREER CONSULAR OFFICERS IN
JERUSALEM, NOTING, HOWEVER, THAT THE REPRESENTATIVE OF
SYRIA HAS INDICATED THAT HIS GOVERNMENT IS NOT PREPARED
TO SERVE ON THE COMMISSION. THE FUNCTION OF THE
COMMISSION SHALL BE TO ASSIST THE SECURITY COUNCIL IN
SUPERVISING THE IMPLEMENTATION BY THE PARTIES OF THE
RESOLUTION OF THE SECURITY COUNCIL OF 17 APRIL 1948;

"REQUESTS THE COMMISSION TO REPORT TO THE PRESIDENT
OF THE SECURITY COUNCIL WITHIN FOUR DAYS REGARDING ITS
ACTIVITIES AND THE DEVELOPMENT OF THE SITUATION, AND
SUBSEQUENTLY TO KEEP THE SECURITY COUNCIL CURRENTLY

INFORMED WITH RESPECT THERETO.

"THE COMMISSION, ITS MEMBERS, THEIR ASSISTANTS AND
ITS PERSONNEL SHALL BE ENTITLED TO TRAVEL, SEPARATELY OR
TOGETHER, WHEREVER THE COMMISSION DEEMS NECESSARY TO
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PAGE 07 STATE 105745

CARRY OUT ITS TASKS.

"THE SECRETARY GENERAL OF THE UNITED NATIONS SHALL
FURNISH THE COMMISSION WITH SUCH PERSONNEL AND ASSIST-
ANCE AS IT MAY REQUIRE, TAKING INTO ACCOUNT THE SPECIAL
URGENCY OF THE SITUATION WITH RESPECT TO PALESTINE."

8. YOU ARE, OF COURSE, FAMILIAR WITH DIVERGENT POSITIONS
OF ISRAEL AND SYRIA RE APPLICABILITY OF ORIGINAL 1949
ARMISTICE AGREEMENT. ASSUME YOU FINESSING THIS QUESTION
AND THEREFORE AM NOT HOLDING UP THIS MESSAGE TO INCLUDE
LENGTHY TEXT OF ARMISTICE AGREEMENT ITSELF. HOWEVER,
AM SENDING IT OUT IN SUBSEQUENT SEPTTEL IN CASE YOU
NEED IT. RUSH

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<< END OF DOCUMENT >>

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